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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/530,396	04/28/2000	HIDEMI HENMI	2000-0545 A	5651

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WENDEROTH LIND & PONACK
2033 K STREET N W
SUITE 800
WASHINGTON, DC 20006

EXAMINER

DEMICO, MATTHEW R

ART UNIT	PAPER NUMBER
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2611

DATE MAILED: 01/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/530,396

Applicant(s)

HENMI, HIDEKI

Examiner

Matthew R Demicco

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 January 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. This action is responsive to an amendment filed 10/7/03. Claims 1-15 are pending. Claims 1-15 have been amended. Claims 16-24 are new. The objection to the specification is withdrawn in light of the amendment. The 35 U.S.C. 112 rejection of Claims 8-9 is withdrawn in light of the amendment.

Response to Arguments

2. Applicant's arguments with respect to Claims 1-15 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-24 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,706,121 to Young.

Regarding Claim 1, Young discloses a storage-type data receiver (See Figure 3) for receiving (See Tuner 132) and storing (See VCR 150) TV programming (Col. 7, Lines 66-68) and TV scheduling information (Col. 6, Lines 60-64). The TV programming reads on data being updated at irregular intervals. The scheduling information reads on

next-update information indicating when the data will be next updated, both being distributed by a data source. Young further discloses a reception means for receiving the data and next-update information (132) and a storage means for storing the data (111). Young further discloses the use of the scheduling data to automatically trigger the storage of a program for unattended recording (Col. 12, Lines 14-24). When a recording event is scheduled, a test is performed to see if the system clock is within the scheduled time (Col. 20, Lines 40-43). It is inherent that there must be a signal or indication from the comparator instructing the recording device to become active. This reads on the claimed data update detection means for comparing a current time and a next-update time indicated by the next-update information to generate a data update time indication signal indicating whether or not it is time to update the data. The data being updated is the video program to be recorded. Further disclosed is a data storage control means for controlling storage of the data in the storage means based on the data update time indication signal (Col. 20, Lines 54-64).

Regarding Claim 2, Young discloses a system as stated above in Claim 1 wherein the video recorder is controlled to store the received data when the scheduled time coincides with the current time as stated above. This reads on the claimed data storage control means controlling the storage means to store the received data when the current time coincides with the next-update time.

Regarding Claim 3, Young discloses a system as stated above in Claim 1 wherein the reception means comprises a tuner means (132) for arbitrarily selecting a signal of a broadcast channel among plural signals of broadcast channels (Col. 7, Lines 66-68) and a

tuner control means for controlling channel selection (Col. 8, Lines 48-66) by the tuner means based on the data update time indication signal (Col. 8, Lines 35-40).

Regarding Claim 4, Young discloses a system as stated above in Claim 3 wherein the tuner control means controls the tuner means in such a manner as to enable the tuner means to tune itself with the arbitrarily selected channel when the current time coincides with the next-update time (Col. 4, Lines 48-52 and Col. 8, Lines 23-40).

Regarding Claim 5, Young discloses a system as stated above in Claim 1 further comprising a power supply control means for controlling power supply to the reception means based on the data update time indication signal (Cols. 8-9, Lines 62-4).

Regarding Claim 6, Young discloses a system as stated above in Claim 5 wherein the power supply control means supplies power to the reception means only when the current time coincides with the next-update time (Col. 20, Lines 40-64).

Regarding Claim 7, Young discloses a system as stated above in Claim 5. It is inherent that the power supply control means supplies power to the data update detection means regardless of the data update time indication signal. If this were not the case, the control logic would not be active and would never know when to turn on the recorder for recording.

Regarding Claim 8, Young discloses a system as stated above in Claim 3. Young further discloses the selection of themes or particular programs for unattended recording (Col. 12, Lines 14-24). These programs will be recorded based on their identification without user intervention regardless of what time they are broadcast. This reads on the claimed storage data identification information means for generating identification

information for specifying the data to be stored, wherein, based on the identification information, the tuner control means tunes the channel of the tuner means to a broadcast channel through which the data to be stored is distributed.

Regarding Claim 9, Young discloses a system as stated above in Claim 8. In such a system that may automatically record data based on pre-selected parameters such as theme, there must inherently be a data extraction means for extracting the specified data to be stored from the received data based on the identification information.

Regarding Claims 10-12, see Claims 1-3 above.

Regarding Claims 13-15, see Claim 10 above. It is inherent in such a computer-based system (See Figure 3) that there must be a computer program running thereon to carry out the methods as stated above.

Regarding Claims 16-24, see Claims 1-9 above.

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Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. U.S. Patent No. 5,293,357 to Hallenbeck discloses a method of controlling a TV recording device using a television schedule and event timer information.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew R Demicco whose telephone number is (703) 305-8155. The examiner can normally be reached on Mon-Fri, 9am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on (703) 305-4380. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-5359.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.

MRD

mrd
January 7, 2004



**VIVEK SRIVASTAVA
PRIMARY EXAMINER**